



# ADR Election notice

Chapter 3 (Land Access) of the *Mineral and Energy Resources (Common Provisions) Act 2014* allows a party that has not entered into a conduct and compensation agreement to seek a non-binding alternative dispute resolution process (an ADR).

This notice may be given after the end of the minimum negotiation period if parties have not entered into a conduct and compensation agreement. Either the eligible claimant or resource authority holder may give this notice to the other party. The ADR may be a non-binding process of any type, including, for example, case appraisal, conciliation, mediation or negotiation.

Resource authority details:

**Requestor Details:** Provide the details of the person requesting the ADR

Name:

Company:

Address:

Phone no:

Email:

Requestor must provide ADR election notice to the other party.

**Land parcels proposed to be entered:**

<i>Lot/plan</i>	<i>Lot/plan</i>	<i>Lot/plan</i>

**Identify type of ADR proposed: (e.g. a case appraisal, conciliation, mediation or negotiation)**

**Provide details of the matters the subject of the dispute (if insufficient space attach a separate page):**

**Provide any other relevant information:**

**ADR Facilitator Details (the facilitator must be independent of both parties):**

Name:

Company:

Address:

Mobile:  Phone no.:

Email:

*Note - The resource authority holder bears the costs of the ADR facilitator*

**Contact details for the other party**

Name:

Company:

Address:

Mobile No.:  Phone No.:

Email:

*Please note: a party given an ADR election notice must, within 10 business days after the notice is given, accept or refuse the type of ADR, and the ADR facilitator, proposed in the notice.*

**Signature of requestor:**

Print name:  Signature:

Position:  Date:

Company:

**Additional information for both parties**

The parties must use all reasonable endeavours to negotiate a resolution of the dispute by entering into a conduct and compensation agreement within **30 business days** after the ADR facilitator is appointed (the **usual period**). It is recommended, to avoid uncertainty, that the party issuing this notice be responsible for arranging the appointment of the ADR facilitator.

The department considers that an ADR facilitator is appointed when the facilitator has confirmed in writing, to each of the parties, that they agree to act as the ADR facilitator. Such written confirmation should be dated to ensure that all parties are clear as to the date on which the appointment occurred. To assist in this regard, please request that the nominated ADR facilitator complete the 'ADR Facilitator Confirmation of Appointment Letter' template.

A party may, within the usual period, ask the other party for a longer period because of stated reasonable or unforeseen circumstances. If the parties agree to a longer period, and the ADR facilitator consents to the longer period, the longer period applies instead of the usual period.

Nothing said by a person at the ADR is admissible in evidence in a proceeding without the person's consent.